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President:	Mr. van Walsum	(Netherlands)
Members:	Argentina	Mrs. Martínez Ríos
	Bahrain	Mr. Buallay
	Brazil	Mr. Fonseca
	Canada	Mr. Fowler
	China	Mr. Chen Xu
	France	Mr. Dejammet
	Gabon	Mr. Essonghé
	Gambia	Mr. Jagne
	Malaysia	Mr. Hasmy
	Namibia	Mr. Andjaba
	Russian Federation	Mr. Lavrov
	Slovenia	Mr. Türk
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Holbrooke

Agenda

Protection of civilians in armed conflict

Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict (S/1999/957)

99-85811 (E)

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The meeting resumed at 2.45 p.m.

The President: The next speaker inscribed on my list is the representative of Botswana. I invite him to take a seat at the Council table and to make his statement.

Mr. Legwaila (Botswana): Let me thank you, Sir, for organizing this important debate; in the same breath, I would like to thank the Secretary-General for his insightful report (S/1999/957) on this very important issue.

The question of the protection of civilians in armed conflict is not new. From traditional society to our modern world with its elaborate written laws, it has always been understood that persons who are not involved in combat during an armed conflict should not be subject to attack. The Geneva Conventions of 1949 and other international instruments of humanitarian and human rights law prohibit the targeting or endangering of civilians during times of hostilities.

However, as we are all aware, civilians, particularly children and women, have become habitual targets of war at a time when we should be considering ourselves more civilized than our ancestors. Children are habitually abducted and turned into killers, couriers and the sexual slaves of armed thugs. Women are raped in order to shame the enemy or destroy its morale. Whole groups of civilians, by virtue of their ethnicity or religion, are with wanton regularity decimated, "cleansed" and threatened with extinction. In short, today's wars, particularly those that go by the misnomer of civil wars, are nothing more than glorified acts of terrorism in which the laws of war are totally ignored.

All of these atrocities are being perpetrated while we have in place institutions and instruments created to avert them and punish the perpetrators. We therefore need to ask ourselves how we can endeavour to become more effective at utilizing these institutions and instruments. It was with this in mind that we found the report of the Secretary-General of paramount importance and relevance. While all its contents and recommendations may not curry favour with everybody in this Organization, we dare say that we find most of them to be quite appealing. They reinforce what we have always thought should be done in situations of armed conflict and in endeavours to prevent the eruption of conflict.

Our central vocation as the United Nations is to discourage recourse to the use of force, to save succeeding generations from the scourge of war. We fully share the Secretary-General's view on nipping potential conflict situations in the bud, so to speak. The United Nations should utilize this capacity early, when signs of a potentially explosive situation are there. The experiences of Rwanda, and recently of East Timor, should teach us a lesson. Timely use of the Secretary-General's good offices and cooperation with regional organizations in preventive diplomacy should be exploited to the full.

There can be no doubt that, whenever the situation so demands, no effort should be spared to attempt some preventive deployment of peacekeepers, negotiators or mediators. We fully subscribe to the Secretary-General's observation that this form of deployment had an immeasurable impact in the former Yugoslav Republic of Macedonia. Where the situation has gone beyond preventive action, the Security Council should at least develop the habit of instantly informing the parties to a conflict about their obligations towards civilians and the consequences of violating international humanitarian and human rights law. It should be made clear that children in particular should not be used as soldiers or otherwise targeted. The Security Council should not just threaten, but should make good on its threat. There should be no hesitation over imposing an arms embargo or other targeted sanctions where evidence exists that a party or parties to an armed conflict are deliberately targeting civilians.

Humanitarian assistance to civilians is essential during an armed conflict. Parties to a conflict should therefore allow unimpeded access and provide security guarantees to humanitarian agencies and their personnel in the discharge of their duties. Anyone who fails to do so, in our view, should be held to account under international humanitarian law. It is becoming quite clear that denial of access to humanitarian assistance by a party or parties to an armed conflict has become a valuable weapon of war.

It is indeed disturbing that even though the majority of Member States of the United Nations are party to the international instruments on humanitarian and human rights law, such instruments continue to be violated with impunity. My delegation finds merit in the recommendation by the Secretary-General that where war crimes and crimes against humanity have been committed, the Security Council should act without fear or favour. The Council should not only put in place a mechanism for ensuring that the suspects are apprehended and punished, but must also do all in its power to enforce the warrants of arrest.

My delegation also supports the recommendation that as Member States of the United Nations, we should strive for the early ratification of the Statute of the International Criminal Court. If this can be achieved sooner rather than later, it will go a long way in enabling us to enforce respect for humanitarian and human rights law.

We are also of the view that the minimum age for recruitment and participation in hostilities should be raised to 18. This is quite consistent with our own policy and practice as a country. Furthermore, we are supportive of the call for accelerating the process of negotiating an optional protocol to the Convention on the Rights of the Child on children in armed conflict.

In conclusion, we fully agree that peacekeeping and peace-making missions should be structured in such a way that the special protection of assistance requirements for children and women and the elderly will always be paramount.

The President: The next speaker is the representative of Israel. I invite him to take a seat at the Council table and to make his statement.

Mr. Gold (Israel): I would like to congratulate you, Sir, on your assumption of your important post. Let me also commend your predecessor on the outstanding manner in which he conducted his duties previously.

The State of Israel has a deep and historical interest in the growth, integrity and respect of international humanitarian law in general and the Geneva Conventions, in particular. As a nation that lost one third of its population in the nazi occupation of Europe in the most heinous case of genocide in human history, Israel's own birthright in engraved with a particular responsibility to prevent this crime from occurring again against the Jewish people, and a universalist commitment to combat genocide, crimes against humanities and war crimes wherever they may occur.

In this context, Israel is concerned with what is transpiring today regarding those international instruments designed to protect civilians in armed conflict, including the Geneva Conventions. The world community is facing at least 20 ongoing armed conflicts across the globe that have led to acute starvation, ethnic cleaning and the physical eradication of entire communities. A basic paradox confronts the international community in this regard, for while the Geneva Conventions in particular have received nearly universal support by the accession of 188 countries, it remains a challenge to ensure that the provisions regarding civilians in armed conflict are upheld on the ground and accorded the respect they deserve. That respect can be widened and advanced if our discourse on the protection of civilians in armed conflict reflects historical truths and not politicized distortions.

For the facts in the case of Israel and the West Bank are that Israeli forces entered these territories during the 1967 Six Day War only after neighbouring States massed their armies along its borders and Israeli cities came under fire from artillery positions in Samaria and in the environs of Jerusalem. History is important, for we are finding the international community is being forced to deal almost exclusively with the results of a war of self-defence from 30 years ago, while ignoring many times wars of clear-cut aggression. The best proof of this trend was the decision to convene the High Contracting Parties to the Fourth Geneva Convention with respect to the West Bank and Gaza and not with respect to any single conflict since 1949. Regardless of these circumstances, Israel has been ready to negotiate a peaceful settlement of the Arab-Israel conflict through Security Council resolutions 242 (1967) and 338 (1973), which were passed in this Chamber in 1967 and 1973, respectively.

In signing the Oslo accords in September 1993, Israel demonstrated that while it is determined to achieve secure and recognized borders as a result of final status talks, it is also determined not to rule over another people. Today, in fact, more than 97 per cent of the Palestinians in the West Bank are not under Israeli occupation, but rather under the administration of the Palestinian Authority. The Oslo accords are a testament to the desire of the people of Israel to take into account the needs of civilians in armed conflict even before that conflict is fully resolved. Now it is the hope of Israel to complete the permanent status negotiations with respect to these territories. Security Council resolutions 242 (1967) and 338 (1973) are the only agreed basis for resolving the Israeli-Palestinian conflict.

This process has not been without risks for, while implementing its agreements with the PLO, Israeli civilians have been directly targeted by terrorist organizations that have operated out of Palestinian-controlled areas. It is our hope and expectation that, with the parties re-engaged in the peace process after the signing of the Sharm El Sheikh Accord, the Palestinian Authority will finally dismantle the operational infrastructure of these terrorist organizations and prevent attacks against Israeli civilians.

In war civilians are in some cases the mistaken casualties because of their proximity to a theatre of operations. In terrorist attacks civilians are the intended target. In war military planners seek to degrade the military capacity of their adversary by striking other military formations, airfields or command and control systems. In terrorist attacks marketplaces, city bus lines or apartment buildings are deliberately targeted. The most direct means for protecting civilians in armed conflict is by combatting the entire phenomenon of terrorism and rejecting any political excuses intended to provide it with support.

The concern of the international community with the protection of civilians in armed conflict should be supported. The protection of civilians goes to the heart of the common values that underpin the United Nations as a whole. Through determined action, and fair as well as balanced implementation of international conventions and instruments, the Member States of the United Nations can assure that the protection of civilians in the twenty-first century can be fundamentally different than the unprecedented atrocities we faced in this century that is about to come to a close.

The President: I thank the representative of Israel for the kind words he addressed to me and my predecessor.

The next speaker is the representative of Pakistan. I invite him to take a seat at the Council table and to make his statement.

Mr. Haque (Pakistan): I would like to begin by expressing our appreciation to the Secretary-General for his comprehensive report on the protection of civilians in armed conflict. I am confident that today's debate will create greater awareness among Member States of the United Nations about the gravity and complexity of the problem and the need to address it on a priority basis.

It is matter of grave concern for Pakistan and for the international community as a whole that violence against civilians in situations of armed conflict has reached dangerous proportions. In most cases this violence is directed against women, children and other vulnerable groups, including internally displaced persons. The statistics contained in the report of the Secretary-General are indeed staggering. The fact that civilian casualties account for almost 80 per cent of the total number of victims of armed conflict and that more than one million people die each year in various conflict areas around the world are extremely disturbing. It is also a painful reality that there are more than 30 million refugees in the world. Pakistan itself has carried the burden of millions of Afghan refugees on its soil for more than two decades and is only too keenly aware of the plight of people who are forced to leave their countries. We therefore condemn unequivocally the targeting of civilians in armed conflicts.

Unfortunately, civilians are subjected to violence despite the existence of a substantial body of international law that has evolved over the years to protect civilians, refugees and humanitarian personnel. It is therefore our collective responsibility to ensure effective adherence to these international legal instruments.

Violence against civilians is an unfortunate and unacceptable by-product of wars and armed conflicts. While recognizing the urgent need to address this issue, my delegation is of the view that it is necessary for the Security Council to address the causes of conflict, including the denial of the right to self-determination of people who are under foreign occupation and suffering oppression and massive violations of their human rights. The Council must work to redress these problems so that conflicts and the grievous consequences that flow from them may disappear.

The Secretary-General has proposed a set of specific recommendations to pave the way for ensuring protection for civilians in armed conflict. These include, to name only a few, proposals for the deployment of preventive peacekeeping operations; the need to establish working groups of the Security Council to address specific volatile situations; the establishment of a permanent technical review mechanism of the United Nations; and the imposition of verifiable arms embargoes to limit the ability of warring parties to wage war against one another and against civilians. These and the other recommendations contained in the report of the Secretary-General will be studied carefully by my Government. I would merely like to note here that at times one needs to stretch one's imagination considerably to find the tenuous linkage between some of the recommendations and the mandate of the Security Council.

The Secretary-General has encouraged the Council to take decisive action to address this critical issue and to promote a climate of compliance. In this context I would like to recall that during the last debate on this subject in the Security Council, in February 1999, a large number of countries pointed out that the report of the Secretary-General should not merely focus on the role of the

Security Council, but should be comprehensive in nature, identifying the role of all concerned bodies and agencies.

We believe that Member States should have the opportunity to thoroughly study and discuss this comprehensive and far-reaching report and its recommendations. We also feel that it is not possible for non-members of the Security Council to engage in an in-depth and interactive discussion of these recommendations in the Council itself. Thus there is a need for a forum, comprising the entire membership of the United Nations, where all Member States can fully participate in such discussions. The Security Council may, therefore, consider requesting the General Assembly to undertake the task of inviting the views of Member States on the report itself and its recommendations, to conduct a comprehensive exchange of views on the issue, and, if necessary, to work towards the elucidation of a legal and internationally binding instrument regarding the protection of civilians in armed conflicts. Pending that, the Council may call for the scrupulous application of the considerable body of existing international law to protect civilians in armed conflict.

The President: The next speaker is Mrs. Sylvie Junod, head of the delegation of the International Committee of the Red Cross to the United Nations, to whom the Council has extended an invitation under rule 39 of its provisional rules of procedure. I invite her to take a seat at the Council table and to make her statement.

Mrs. Junod (International Committee of the Red Cross) (*spoke in French*): First of all I would like to thank you, Sir, along with the other members of the Council, for making it possible for the International Committee of the Red Cross (ICRC) to speak here regarding the protection of civilian populations in armed conflicts. The ICRC warmly welcomes the Council's initiative to undertake an open debate, on the basis of concrete proposals, on a subject of such fundamental importance. But we cannot fail to express our disappointment over the fact that this essential debate is taking place at the very time when we must deplore the powerless of the international community to assure the protection of civilians in various parts of the world. To illustrate this point I will only cite two situations in which our organization has been working for 25 odd years: Angola and East Timor. We hope that in the latter case the imminent deployment of an international force will help to limit the terrible sufferings of a population that remains in danger.

To avoid such situations, the ICRC would like political and humanitarian actors in due course to join forces and unite their efforts in accordance with their respective responsibilities. It seems to us that in calling upon the Security Council to give increased attention to the prevention of conflicts by attacking the root causes of crises and, to that end, establishing a more systematic and specific framework for action, the recommendations of the Secretary-General are on the right track.

In extreme cases, when all initiatives to ensure respect for basic human rights and humanitarian law have failed and when such principles have been rejected outright, humanitarian action as such is disputed, and States must find new remedies. Rapid action must be decided upon and, if necessary, imposed. Such measures should create new conditions enabling humanitarian players to act. But they should not necessarily be included in political decision-making on possible enforcement action.

The ICRC is particularly pleased to note that, when the Council decides to take action based on Chapter VII of the Charter, it will no longer limit itself to political and military considerations but will henceforth take account of the humanitarian consequences of armed conflict for civilians. This is an important step towards discharging the collective responsibility that flows from common article 1 of the Geneva Conventions, which requires States parties not only to respect but to ensure respect for the provisions of these Conventions. In this context, I should like to point out that Article 89 of the first Protocol Additional of 1977 requests States to act in cases of serious violations of the Conventions and the Protocol, both jointly and separately, in cooperation with the United Nations and in accordance with the Charter.

The uncontrolled availability of arms is a threat to civilians that the Council is now beginning to take into account. In conformity with the mandate entrusted to it by the most recent International Conference of the Red Cross and Red Crescent, held in 1995, the ICRC undertook a study of the availability of arms and the situation of civilians in armed conflict, in which it provided an account of its experience in the field and analysed the consequences of the availability of weapons in terms of human rights violations. It is therefore very pleased to note that the Secretary-General agrees with the various initiatives taken to deal with this difficult problem, and has proposed several recommendations to States as part of the measures to be taken to strengthen the physical protection of civilians.

During the open debate in this Chamber on 12 February, the President of the ICRC, Mr. Cornelio Sommaruga, expressed his deep concern about the fact that in a number of armed conflicts both States and non-State actors do not respect even the minimum norms of conduct of international humanitarian law.

That grim picture is brightened today by a note of hope. Indeed, the results of the "People on War" consultation, recently conducted throughout the world by the ICRC for the fiftieth anniversary of the Geneva Conventions, show that the norms enshrined in humanitarian law are still relevant. The basic principles of that law have just been reaffirmed in a solemn appeal, adopted on 12 August, in the presence of the Secretary-General. The ICRC would like to reiterate its deep gratitude to him for his unconditional support.

The ICRC is endeavouring to protect civilians in armed conflict by intervening directly with all parties, including non-state actors, whatever cause they say that they are defending. In this respect, paragraph 51 of the report of the Secretary-General rightly states:

> "humanitarian actors must be able to maintain a dialogue with relevant non-state actors without thereby lending them any political legitimacy".

That is, indeed, the letter of the law. According to common article 3 of the Geneva Conventions, offering the services of an impartial humanitarian organization such as the ICRC does not at all modify the legal status of the entity to which the services are offered. Humanitarian organizations should not, therefore, be criticized, as is sometimes still the case, for maintaining necessary working relations with armed opposition groups during an armed conflict. Rather, they should be encouraged to maintain dialogue with all of those who have some influence on the fate of the victims they are trying to reach.

We join with the Secretary-General in recommending that the Council call upon non-state actors to adhere to these humanitarian norms. The ICRC would like to point out that, if we deny the very existence of armed groups or simply reduce them to the status of criminals or terrorists to whom we should not even speak, that could provide them with a pretext for them to flout their responsibilities towards civilians, prisoners and the wounded.

Respect for humanitarian law, which is a *sine qua non* for the physical protection of civilians, is of great concern to the members of peacekeeping forces. The ICRC therefore warmly welcomes the rules and principles in the Secretary-General's bulletin of 6 August, which was drawn up with the participation of his legal experts. It is furthermore essential, as the report of the Secretary-General indicates, that the personnel involved in regional operations respect and observe humanitarian law. Adequate training seems to be absolutely necessary if the rules and principles are not to become a dead letter.

The ICRC has repeatedly expressed itself on measures recommended for strengthening legal protection. I will therefore keep my comments in this area brief. Yes, our advisory services for international humanitarian assistance are prepared to continue to help States to adopt, on a national scale, specific measures for the appropriate implementation of this law. The adoption of national legislation for punishing war crimes is a priority, especially since the future International Criminal Court will be complementary to national criminal jurisdictions.

The propagation of humanitarian law remains a priority on the agenda of our institution. Local networks are increasingly being trained in this area, and play an irreplaceable role in helping the ICRC to adapt its message to its various audiences and take fully into account different cultural contexts and traditional values. I should like once again to state that in the framework of its mandate to protect humanitarian law, the ICRC is in the process of putting the final touches on a universal study to determine the content of customary regulations. That study, which will be issued next year, will define more clearly the obligations of all parties to an armed conflict, whether the conflict be international or internal.

In his opening statement, the President of the General Assembly at its fifty-fourth session mentioned a number of urgent challenges to be faced: war, displaced persons, refugees, gender equality and the fate of children, in particular children in armed conflict — this last being a direct follow-up to the important resolution recently adopted by the Security Council on that subject. This opens the door to a new era of synergy that can strengthen the protection of civilians in armed conflict.

The international Red Cross and Red Crescent movement must, by its very essence, be an important mechanism of this mobilizing strategy. The protection of civilians in armed conflict goes to the heart of the debate to be held at the twenty-seventh International Conference of the Red Cross and Red Crescent in Geneva at the beginning of November, in which all States parties to the

Geneva Conventions, as well as the movement as a whole, will participate. Its work should lead to the adoption of a specific plan of action for the years 2000 to 2003.

The President: The next speaker inscribed on my list is the representative of Iraq. I invite him to take a seat at the Council table and to make his statement.

Mr. Hasan (Iraq) (*spoke in Arabic*): I should like first of all to thank you, Mr. President, for organizing this open debate.

Civilians constitute the vast majority of human casualties in armed conflict. They are the first victims of the belligerent international environment we live in today. The international community and its organizations should give the utmost priority to this issue. On that basis, we welcome the contribution made by the Secretary-General in the report he has submitted to the Security Council on the protection of civilians in armed conflict, which is contained in document S/1999/957.

We would like to make some observations on the issue under consideration. First, we expect the Security Council to take into account the views put forward by States that are not members of the Council in the open debate held earlier this year on the question of the protection of children and of civilians in armed conflict. Those views should be integrated into the Council's programme of work, in accordance with the functions of the Council, as contained in Article 24 of the Charter of the United Nations, under which it is to act as a representative of the States Members of the United Nations in the fulfilment of its duties, thereby complementing the work of the General Assembly, the Economic and Social Council, United Nations agencies and the international community in general.

Secondly, when the Security Council and the United Nations deal generally with this very important issue, a global perspective must be taken that gives the utmost priority to the prevention of conflicts through activating the mechanism of preventive diplomacy and its machinery and making the United Nations a focal point for that preventive diplomacy. When considering the roots of intra- or inter-State conflicts, we find that one of the reasons for their outbreak is the inequitable and unbalanced international economic environment, which adversely affects the economies of developing countries and creates "hot spots" for conflicts.

As the Secretary-General pointed out, the deteriorating economic situation is conducive to the eruption of violent conflicts for a number of reasons, not the least of which is that the political environment tends to be more favourable to conflict in times of recession than in times of economic growth.

The Secretary-General reiterated that the money currently spent on military intervention and humanitarian assistance could be reallocated to support equitable and sustainable development, thus reducing the likelihood of the outbreak of war. We call upon the countries of the North to contribute to establishing a balanced and equitable world economy that preserves the rights and interests of the countries of the South.

Thirdly, the United Nations, and in particular the Security Council, must adopt the principle of collective responsibility in the peaceful resolution of conflicts. The eruption of a given conflict means the failure of preventive diplomacy — that is, our collective failure. We should all bear our share of this responsibility, including the Council, whose part in this failure is quite clear since it bears primary responsibility for the maintenance of international peace and security. We cannot make the combatants solely responsible for the evils of war.

On the other hand, mistakes, bad judgement or the abuse of the Security Council's mandate can sometimes result in catastrophes that are greater that those caused by armed militias in poor countries. A crime of genocide occurred in Rwanda in 1994, when the Security Council could not muster the political will to stop the situation from deteriorating, as its member countries did not wish to expose their forces to danger in a struggle that did not threaten their interests.

Another crime of genocide occurred, and continues to this day, in Iraq, because the Council took, on 6 August 1990, an erroneous decision by imposing comprehensive sanctions against Iraq. The victims of those sanctions so far have been one and a half million Iraqi civilians, and the fabric of Iraqi society has been rent in a way that will affect future generations.

The Secretary-General, in paragraph 25 of his report to the Security Council, pointed out that "recent experience has shown that sanctions can have a highly negative impact on civilian populations, in particular children and women". It is clear that the Secretary-General was taking into account the suffering of the Iraqi

civilians as a result of the sanctions when he wrote this paragraph, although he did not say that explicitly.

The report published by the United Nations Children's Fund on 12 August 1996 gives documented figures showing that a half million Iraqi children under the age of 5 have died because of the sanctions. Here I must recall that the Charter has no mechanism for making the Security Council accountable to the States Members of the United Nations with respect to the legitimacy of its resolutions and to what degree they conform to international humanitarian law. It is crucial that we consider this very important issue.

Fourthly, it is imperative that the Security Council adopt a fair and equitable policy, eschewing selectivity and double standards, that places the principles of the Charter before the narrow interests of the powerful members of the Council. The actions of the Security Council over this past decade have given us convincing reasons to doubt its integrity, its objectivity and its ability to be effective in the prevention of armed conflicts and in the protection of civilians.

Indeed, the Council has dealt selectively with international crises. Palestinian civilians, for example, experience the worst kind of coercion, humiliation and forced migration as well as the destruction of their homes. Iraqi civilians, suffering from comprehensive sanctions, are exposed daily to attacks by American and British aircraft. Hundreds of them have been martyred as a result of this aggression, and roads, schools and laboratories have been destroyed. All of this is occurring under the very eyes of the Council, which has not taken any measures or called the perpetrators to account. Furthermore, other situations — less dangerous than the ones the Palestinians and the Iraqis are facing — are exaggerated. We fear that the day will come when CNN, the news network, will force a programme of work on the Security Council — if it has not done so already.

Fifthly, the role and task of the United Nations consist of the peaceful resolution of conflicts. The exception to this is the resort to coercive measures. The United Nations demonstrates its effective assumption of its role whenever it is restrained in such resort, as pointed out in the Charter. We have noted, however, that in recent times, the United Nations has had increasing recourse to coercive measures, as if they were the sole and preferable solution. This is, *per se*, proof of incapacity, not of power or strength.

The President: I shall now make a statement in my capacity as representative of the Netherlands.

The Netherlands warmly applauds the Secretary-General's report. It was indeed a *tour de force* to prepare such an extensive and excellent report in just a few months. The report provides us with a very comprehensive overview of the issue on our agenda. In this connection, we also wish to express our appreciation to the delegation of Canada for having taken the initiative of discussing in the Security Council the issue of the protection of civilians. It goes without saying that the Netherlands will vote in favour of the draft resolution before us.

The norm is that civilians must never be the victims of armed conflict. Reality, however, is steadily moving away from that norm. Most armed conflicts today are internal conflicts. In such conflicts, civilians are often the primary victims — not by accident, but because they are deliberately targeted or callously exploited as pawns in the political game. Restrictions on humanitarian access usually have a similar background. Innocent civilians are deliberately deprived of food and medicine as another move in the same political game. All this seems to be taken more and more for granted. Such practices blur the distinction between military and civilians and make warfare degenerate ever further into barbarity.

The Security Council can contribute to a reversal of this trend. For one, better use could be made of existing instruments of international humanitarian law. As we suggested earlier this year, the Council could call upon parties to a conflict to involve the International Fact-Finding Commission established by article 90 of Additional Protocol I to the Geneva Conventions of 1949. In relevant cases, this Commission could investigate breaches of international humanitarian law or facilitate, through its good offices, the re-emergence of an attitude of respect for international humanitarian law.

It is also important that the International Committee of the Red Cross and the United Nations maintain close cooperation on the issue of civilians in armed conflict. The Netherlands proposes that the Secretary-General's report be forwarded to the Red Cross Conference on this subject which will take place in Geneva in the beginning of November.

Humanitarian assistance is not a substitute for effective political action. The Netherlands calls for a coherent and integrated approach to conflict prevention and conflict resolution in which the diplomatic, political, military, economic and humanitarian aspects, as well as development assistance, are treated as integral parts.

In conclusion, I wish to confirm that the Netherlands subscribes to the views expressed by the representative of Finland on behalf of the European Union.

I now resume my function as President of the Security Council.

At the request of the Secretary-General, I call upon Mr. Sergio Vieira de Mello, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

Mr. Vieira de Mello (Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator): On behalf of the Secretary-General and, indeed, of all heads of agencies, members of the Inter-Agency Standing Committee on humanitarian affairs, let me express the gratitude of the Secretary-General and of the humanitarian community as a whole for the Council's generous reception of the report. In particular, I thank you personally, Sir, as well as Ambassador Fowler and your respective countries for the particular role you played in bringing this debate about.

We welcome the draft resolution before the Council, which reaffirms the role of the Council in responding to situations in which civilians are targeted, as has so often been the case in countries that have been affected by conflict in the last decade.

I thank the Security Council members for the rich and varied debate, as well as the non-members for their contributions yesterday and today. The seriousness of the membership's responses reflects the recognition by the Council — and more largely by the membership of the Organization — that the protection of civilians goes to the very core of the mandate of this and other organs of the United Nations. I am particularly grateful that, both in the presidential statement of February and in comments today, this concern is not one that is limited to the legal protection of civilian populations, but includes their physical protection, which is often what is lacking.

We note with particular satisfaction that the Council gave particular consideration and support to the following issues. First, it has addressed the culture of impunity and the issue of ensuring accountability for breaches of international humanitarian, human rights and refugee law. It was recognized that it is a duty of all States to hold accountable, through their national legal systems and through effective international tribunals, those responsible for the most heinous crimes. In particular, member States emphasized the importance of the International Criminal Court (ICC) and its need to step in where national judicial institutions fail to act. Several members called for compliance with the existing ad hoc tribunals and the possible creation of others, pending the establishment of the ICC. The effectiveness of an international court will depend first, obviously, on its coming into being and thereafter on the support given by member States. There was a recommendation that action be taken by the Security Council to deal with States that do not cooperate with the international tribunals, which we have noted.

Secondly, the Council addressed the issue of inducing the compliance of non-state actors with international law, including private-sector companies and private security firms. In this context, we welcome calls for States to ratify the Additional Protocols to the Geneva Conventions, particularly since the obligations which they create for non-state actors under international law are those that are most frequently violated in conflicts of the new generation.

Thirdly, regarding enforcement action, we were pleased that several members referred to the need to develop and apply objective criteria, ensuring consistency in the Security Council's action. Needless to say, the Secretary-General, when requested, will be prepared to assist.

Fourthly, in terms of comprehensive peacekeeping mandates, it was encouraging to hear members emphasize the changing perception of peacekeeping operations and the recognition that modern peacekeeping entails more comprehensive operations with extremely complex, multifaceted programmes and, indeed, more robust enforcement mandates, as has been discussed in this Council in recent days.

We were particularly encouraged by the recognition of the need for a rapid deployment capacity, including of a preventive nature, both in terms of headquarters as well as actual contingents. This is something we have been striving for over the years, and it should, in our opinion, include, in addition to military, also civilian components, including humanitarian civilian police and others.

Fifthly, as for the need to control the flow of small arms and, I might add, of heavy and more sophisticated weaponry and equipment, often in violation of this Council's decisions, this is something we have flagged in the past. We are extremely happy to see that most of the members of the Council recognized it as an important priority in terms of protecting civilian populations. We

welcome the suggestion by one of the members that arms embargoes be imposed as soon as a party to a conflict begins to target civilian populations.

Sixth is the question of the Convention on the Protection of United Nations and Associated Personnel. As you can imagine, this theme is very close to our hearts, almost on a daily basis. We are grateful for yet again overwhelming support for action to strengthen the protection of United Nations personnel. Only yesterday in Somalia a senior programme officer, a UNICEF medical doctor, was murdered in an ambush, adding his name to a very long and sad list of fatal casualties among civilian staff working for humanitarian organizations. I welcome the support expressed by some for an additional protocol to ensure better protection of all humanitarian personnel, not just those from the United Nations.

On the question of sanctions, we were pleased to hear several speakers give priority to the development of targeted and smart sanctions so as to penalize those directly responsible for wrong-doing, rather than aggravating the suffering of civilian populations. This is an area in which my office has attempted to actively support decision-making by the Council.

Other issues that were also mentioned included raising the age of recruitment for participating in hostilities; the suffering of all civilians, but particularly of women and children; the question of access; and more cooperation by the Council with other United Nations bodies and regional organizations. We are in full support of those.

In conclusion, the plight of civilians can no longer be set aside because of other interests that might be at play. The initiatives taken in this Council are heartening. Their plight should indeed be of central concern. We should treat all conflict situations around the world equally. The best way to protect civilians is, however, as was stressed, to prevent conflict, and in this context, development and combating poverty is an indispensable tool to achieve sustainable peace and stability in conflict- and post-conflict areas.

One Security Council member said the Secretary-General had done his job and it was now up to the Council to implement his recommendations. Let me assure you, however, that the Secretariat remains ready to provide every support for the mechanism which the Council will establish to follow up on the recommendations.

We did not include, in responding to some of the more critical observations, reference to all continuing conflicts. Rather, we tried to focus on those which have been most acute and have had the most acute impact on civilians in recent years. Regarding the list of countries or situations that were mentioned in the report in which United Nations personnel have lost their lives, although we are, needless to say — and I know something about that, most unfortunately — greatly concerned at the loss of life among United Nations peacekeepers. Paragraph 22 of the report lists only the countries in which United Nations humanitarian staff and other humanitarian personnel have died.

I also note that two delegations believe that the Secretary-General's proposals invite the Security Council to go beyond its mandate as contained in the Charter. But the Charter, we believe, was not intended to be a static document. It is alive. Moreover, the Secretary-General was responding to the Security Council's February request to submit concrete proposals on how to improve its ability to provide civilians with legal and physical protection. We attempted to respond to that call — your call — in an imaginative yet balanced manner. Needless to say, not everything we have suggested is the sole prerogative of the Security Council. These recommendations are addressed to the membership as a whole and to other organs of the Organization, as well as, obviously, to other actors on the international and regional scene. Do not blame us, therefore, for having attempted to respond to your own request, which provided us with immense encouragement, as did the debate in this room.

Let us not forget that the Charter begins not with the words "We the States" but "We the peoples".

The President: It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:
Argentina, Bahrain, Brazil, Canada, China, France, Gabon, Gambia, Malaysia, Namibia, Netherlands, Russian Federation, Slovenia, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1265 (1999).

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 3.50 p.m.